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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re DANIEL P., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

DANIEL P.,

Defendant and Appellant.

D053648

(Super. Ct. No. J219763)

APPEAL from a judgment of the Superior Court of San Diego County, Lawrence Kapiloff, Judge (Retired Judge of the San Diego Sup. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) and Carolyn M. Caietti, Judge. Affirmed.

The juvenile court declared 17-year-old Daniel P. a ward of the court (Welf. & Inst. Code, § 602) after sustaining allegations that he committed one count of transporting more than 28.5 grams of marijuana (Health & Saf. Code, § 11360, subd. (a)) and one count of possession of marijuana for sale (Health & Saf. Code, § 11359). The court

committed Daniel to the Short Term Offender Program for 90 days to be followed by release to the United States Immigration and Naturalization Service for deportation proceedings under Welfare and Institutions Code section 738.

FACTS

On June 23, 2008, border agents diverted a truck driven by Daniel as he was attempting to enter the United States from Mexico. During a search of the vehicle, agents found 20 packages of marijuana in a hidden compartment. The total weight of the marijuana was 34.10 kilograms; this amount of marijuana indicated that it was for sale purposes.

Daniel, a resident of Tijuana, said that he transported the marijuana because drug traffickers had threatened to kill him and his family if he refused. Daniel said that drug traffickers had cut off the fingers of his friend Alfonso, who had refused to transport drugs for them, and had kidnapped and tortured his uncle for the same reason.

Daniel met the drug traffickers through a school acquaintance who told him that she could find him a job. The traffickers were named Irving and Pochis, and they threatened Daniel during this meeting. Subsequently, the traffickers telephoned Daniel and gave him instructions. Daniel admitted that he had successfully transported marijuana into the United States once before the June 23 attempt. Daniel told the border agents that the drug traffickers paid him \$670 for the initial crossing and were going to pay him \$600 for the June 23 job.

Daniel did not contact Tijuana police to report the threats because he believed that the police force was involved in drug trafficking.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable, issues: (1) whether the court violated Daniel's right to present the defenses of duress and/or necessity by excluding testimony of his relatives about the violence of Tijuana drug traffickers; and (2) whether the court committed judicial misconduct and/or demonstrated bias by excluding substantive testimony of all defense witnesses other than Daniel.

We granted Daniel permission to file a brief on his own behalf. He has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues referred to by appellate counsel, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Daniel on this appeal.

DISPOSITION

The judgment is affirmed.

AARON, J.

WE CONCUR:

MCDONALD, Acting P. J.

McINTYRE, J.